



**BOARD OF SELECTMEN
MINUTES
JANUARY 19, 2016**

The Board of Selectmen met in the Lunenburg Town Hall, Joseph F. Bilotta Meeting Room, as scheduled with Jamie Toale, Chairman; Robert Ebersole, Vice Chairman; Tom Alonzo, Clerk; Paula Bertram, Member; Phyllis Luck, Member and Kerry Lafleur, Town Manager. The meeting opened at 7:00 P.M. with the Pledge of Allegiance.

Public Comment:

Mr. Alonzo announced the upcoming Lunenburg Boys & Girls Club event, "Are You Smarter Than Our Sixth Graders," to be held on Friday, March 11th at 7:00 p.m. at the Lunenburg High School Auditorium.

Ms. Luck announced burning permits are available from the Fire Department from January 15 through May 1st. They can be obtained on the town website at <http://www.massfire.net/brush/lunenburg.php#>

She also reported that she could recycle styrofoam at Refoamit, 25 Mohawk Drive, Leominster. More info on what they accept can be seen at <http://www.refoamit.com/> or by calling 508-872-2323.

Dave Rodgers, 82 Highland Street, reported on the progress of transportation assistance for retired veteran, Jim Bellefiore, who appeared at the January 5th meeting.

Carl Luck, 50 Sunset Lane, and Chairman of the Sewer Commission, reported the resignation of commissioner Troy Daniels effective immediately. He thanked Mr. Daniels for his contributions to the commission.

1. Discussion with School Building Committee (SBC)

SBC Chair Mike Mackin reported on the history of the committee. It is a statutory committee governed by the Massachusetts School Building Authority. It is comprised of the School Superintendent, two School Committee members, a member of the Planning Board, member of the Board of Selectmen, member of the Finance Committee, and three citizens at large. They have been meeting for about two years. They are grateful for the support of voters; 72% of the voters approved the project. He introduced Tom Shapiro, School Committee member; Greg Bittner, Planning Board member; Greg Roy, citizen at large, and School Supt. Calmes. Mike Barney and Brian Frank, citizens at large, were not able to attend this evening's meeting. He thanked them all for their committee work and commitment. The SBC oversees the project, the project budget and the project spending. All the warrants are reviewed by the committee, discussed and either approved or not approved. Mr. Mackin reported the new high school wing has complete permanent power and all the finishes are complete. The media center has permanent power too. The ceiling in the auditorium is near completion. The finishes throughout the building are 70% complete. The kitchen has some of its equipment in. The project is on time and on budget. A little over \$211,000 of the \$4 million contingency funding has been expended. Every item on the contingency list has been reviewed by bond counsel to ensure they are eligible for funding. Of that list three were seen by bond counsel as not being eligible; the track and field replacement, the demolition of the Passios Building, and the installation of a flashing school zone sign. These items, totalling roughly \$2 million, have been removed from the contingency list. What remains on the list is a landscaped and designed outdoor study area, weather permitting, teachers can be bring students. If approved by the SBC, most of the cost will be contained by Powell Stone and Gravel, who will donate labor and materials reducing the cost from \$48,000 to \$10,800. He emphasized how diligent the committee has been in reviewing these items and how seriously they take their responsibility.

Relocation of an existing mural (of former Whalom Park) and other digital mural reproductions was requested by faculty, students and their families to carry on the history and tradition of the Lunenburg schools. Three existing murals would be digitally photographed and placed on vinyl and relocated in the new building. This item costs approximately \$15,000.

Construction of a maintenance garage (\$185,000) was originally planned within the project scope. It is a necessary item. The current maintenance garage was always slated for demolition. When they were reviewing value engineering in the design phase, it was removed from the project and planned to be funded through the

capital planning process. Now they see a possibility of assuming that cost within the contingency fund and it will be reviewed again. Other items include a touchscreen monitor for athletic archives; there is so much memorabilia that can't be taken to the new school. This is an attempt to record digitally historical events, awards etc. This item costs about \$24,000. Right now the only thing authorized is the casement work and the electrical wiring to that area.

A digital exterior sign costing \$58,000, for school and town news and emergency updates is also a placeholder on the contingency list. The next item provides additional cooling to classroom wings, by reducing air humidity and modifying the air at the cost of \$500,000. When the SCB looked at the value engineering, they took that out. There was one other item; artificial turf for 2 new athletic fields; the new stadium field and the new practice field (\$1 million). Reconfiguration of the parking lot is also requested (\$250,000), but it hasn't been designed yet.

Ms. Bertram expressed concern about the implementation of another turf field and the long term cost of maintenance of the turf versus sod. The existing turf field has to be replaced at the cost of over \$1 million. She also expressed concern about the cooling system and the operation and maintenance costs moving forward and its influence on the school budget.

Ms. Luck asked why the maintenance garage was taken out of the original budget. Mr. Mackin stated it would not have been a reimbursable item even if it was in the original budget as they had reached a maximum amount for the site.

Mr. Mackin introduced Jeff Luxemburg, Owner's Project Manager, Joslin Lesser & Associates Inc. He reported the MSBA set a cap of \$275/square foot or an 8% site cap. They would not have reimbursed that amount because they were already over the allowed cap.

Ms. Luck asked about the local share listed in January 2014, it was \$36,784,451. When she looked at the November 2015 share, it is \$38,192,941. How can it change? Mr. Mackin stated that \$38 million comes from the project funding agreement which was signed by the Board of Selectmen and the School Committee. The original \$36 million amount was given prior to all the final project costs being reviewed by the MSBA and determining what the split would be.

Mr. Luxemburg stated the project budget actually went down. The MSBA divides the project into the main project and they separate out all the contingencies. Historically only about 20% of the changes/contingency use was eligible. While this project was being considered, MSBA adopted a policy that said they would only reimburse 1% of contingency expenses on the construction side. The MSBA requires you to appropriate the full project amount, \$72 million and then be reimbursed for expenses. He wanted to make clear the project cost has never gone up; it's what is potentially eligible for reimbursement that has been amended.

Mr. Alonzo stated the town meeting article was approved on the project total. Every number that was given after that was not a voted upon number but the best numbers we had given of the MSBA's calculation for the project. That is where our first initial local share came from.

Ms. Bertram read aloud a statement expressing what constitutes a contingency versus what would be nice to have. She listed other needs of the Town; road maintenance and upgrades to Turkey Hill Middle School and asked where will all the money will come from to pay for everything.

Mr. Ebersole stated he would like to see a cost comparison of turf versus sod. He suggested donations fund some of the contingency items.

Mr. Alonzo stated it is a privilege to serve on the committee. The SCB doesn't take any of the spending lightly. He stated the school building committee is comprised of representatives of the voters. It is not like they weren't being represented. He encouraged people to attend their meetings.

Mr. Toale stated this Board recognizes the dedication of these volunteers on the committee. The reality is there is not enough money to go around for everything. He appreciated the transparency provided this evening. We are not a democracy in the sense that the voters get to make decisions on every change order on the project. We are a representative government and voters elect officials to carry out the duties. It's important that everyone recognizes their role in the process. At the end of the day we are all citizens and it's our money and we want to make sure none of it is being wasted. He appreciated that the school building committee came in this evening. Carl Luck, 50 Sunset Lane, returned to the podium. He congratulated the School Building Committee for the work they have done along with the School Committee and others. He encouraged the committee to try to save the Town some money.

Dave Rodgers, 82 Highland St., asked how many contingency funds there were. Mr. Luxemburg stated there is a construction contingency (5%) and a project contingency (1%). Then it divides into the local share and the state share of that. Mr. Rodgers asked what role the Board of Selectmen serves in this? Mr. Toale stated the Board's role is to ensure the School Building Committee spends the funding according to the town meeting vote. Mr. Alonzo added the Board does not vote on the actual expenditures but acknowledges the School Building Committee actions regarding the expenditures. Mr. Rodgers wanted to thank the entire team effort involved in this project. Mr. Alonzo echoed his statement. Mr. Mackin thanked the Board for the opportunity for the discussion this evening. He stated at the end of the day he believed they would be returning some of the funding.

Appointment to Storm Water Task Force

Sarah Cammer has requested to be appointed as the member at large to the Storm Water Task Force.

Motion: R. Ebersole

2nd: P. Bertram

To appoint Sarah Cammer to the Storm Water Task Force as a member-at-large

Vote: All in Favor

Conflict of Interest Disclosure Outline Conservation Commission-(continued)

(For Conservation Commission Members: John Rabbitt, Carl Luck, Tom Bertram, Bradford Kennedy)

Mr. Toale stated this was a continuation of determining whether there was financial interest and potential conflict of interest for the above CC members. The CC members contacted the State Ethics Commission because they were going to review and propose changes to their wetlands regulations. They were advised by Ethics staff that any member with an interest in real property would be prohibited from participating in the CC meetings or hearings unless they receive an exemption from the Board of Selectmen.

A suggestion had been made that affected Conservation Commission members may participate if their financial interest is shared by a "substantial segment of the municipality population," under M.G.L. c. 268A, §19. Legal counsel did not have sufficient information to confirm that the financial interests of the CC members and certain Selectmen are shared with a substantial segment of the Town's population. It appears that three of the five Board members would indirectly have a financial interest in this matter as well, which means the Board would have to invoke the "Rule of Necessity" in order to vote on the approval of the CC members' exemptions. Section 19 prohibits any municipal employee from participating in a particular matter in which he/she or a member of their immediate family (employee or his/her spouse, and their parents, children, brothers or sisters) are vested.

Mr. Toale invoked the Rule of Necessity stating he was a lakefront property owner. Ms. Bertram invoked the Rule of Necessity stating she owned lakefront property. Ms. Luck invoked the Rule of Necessity as she is an owner of lakefront property. Mr. Alonzo invoked the Rule of Necessity as he owns property abutting wetlands.

Motion: J. Toale

2nd: R. Ebersole

To invoke the Rule of Necessity to discuss the disclosures of conflict of interest for the Conservation Commission members

Vote: All in Favor

Ms. Lafleur reported she had received updated information from legal counsel earlier concerning who could participate this evening. Discussion ensued on whether Ms. Luck could participate in the discussion tonight because she has a personal financial interest and a spouse on the CC. After some discussion it was determined she could participate under the Rule of Necessity guidelines.

Mr. Rabbitt opened the meeting for the Conservation Commission members. He assured those watching that the CC was being open and transparent as possible before attempting to review and revise town wetlands regulations in order to make them more clear and understandable for all. Ms. Bertram clarified further stating an outline had been provided to the Board of Selectmen that provided a listing of areas in the town wetlands regulations that the CC would like to discuss for the purpose of updating and a listing of recommended changes to the Town wetlands bylaw. There is a process for changes to wetlands regulations that includes holding public hearings and voting by CC members and public hearings and Town Meeting votes for any bylaw changes.

Mr. Alonzo stated he had reviewed the prior meeting and the outline and believed the document was satisfactory.

Motion: T. Alonzo

2nd: R. Ebersole

To approve the presented outline for CC discussion

Discussion: Ms. Bertram asked if the CC ventures outside the scope of the outline would the CC have to return to the Board for clarification. Mr. Rabbitt stated they would. Tom Bertram requested an exemption on the entire document not just the outline in order to do the job they were appointed to do. Ms. Bertram asked the Board if they wanted the CC to come in anytime there is a change such as renumbering a previous section. Mr. Ebersole clarified the CC should bring in any changes not listed on the outline. Mr. Luck stated he believed the same as Mr. Bertram. Mr. Toale asked if there is anything else to add to the outline now. He added if something else comes up they should return to the Board.

Vote: All in Favor

The Conservation Commission thanked the Board and adjourned their meeting.

CURRENT BUSINESS

1. Award & Execute Bonds and Bans

Ms. Lafleur stated the first item is a request for signatures on the bond financing of the sewer project, through the Massachusetts Clean Water Trust, in the amount of \$1,521,653 on a Water Pollution Abatement Bond. This is the permanent financing which was previously approved on July 21, 2015.

Motion: R. Ebersole

2nd: P. Bertram

To approve the financing of the bond in the amount of \$1,521,653

Vote: All in Favor

The next item is the bond anticipation note (BAN) in the amount of \$841,518. This is a one year note to cover the Town share of financing the purchase of the Lane Property, a fire truck purchased under the FY 2016 Capital Plan and DPW equipment purchased under the FY 2015 Capital Plan. The interest rate is 0.75 percent.

Motion: R. Ebersole

2nd: T. Alonzo

To approve the bond anticipation note

Vote: All in Favor

2. Tennessee Gas Pipeline Update

Ms. Lafleur reported the town finally has a map showing the proposed lateral for the pipeline at a scale that enables one to identify parcels that it is proposing to cross. There is town conservation property that is on the map. She received a copy of a notice that a residential property owner received from Kinder Morgan but the town has not received such copy for its land. Kinder Morgan will be requesting permission from individual property owners to acquire rights of way and/or temporary rights of workspaces. Other copies of the map will be placed in other town buildings.

Minutes/ Warrants/Action File Issues

The minutes of November 10, 2015 were approved. The Board signed an accounts payable in the amount of \$165,616.18 and another in the amount of \$2,116,766.41.

Action File Issues

Ms. Luck stated the Storm Water Task Force recently began meeting. She stated the Town Manager has set aside \$40,000 for storm water projects and will hopefully set aside another \$40,000 for FY 2017. The task force would like to understand how some of these funds would be made available. For example, if a task force member wanted to attend a related workshop or if the task force wanted to join a watershed coalition, would the funding be available? She requested this be placed on a future agenda.

Committee Reports

Mr. Ebersole reported the Sewer Commissioners have a vacancy and are encouraging anyone with interest in serving until the next election to apply for appointment.

Mr. Alonzo reported the Finance Committee had Powers & Sullivan present on the auditing process.

Ms. Bertram reported MPO met last week. There was a proposal to remove a FY 2016 – 2019 TIP project located in Ashburnham. It was removed due to concern raised at the public hearing concerning some sidewalk

installations. Ashburnham had requested an exemption and was told they would probably not get it. There is a lengthy waiver process and she wanted Lunenburg to be aware of this for the future.

The Sterling/ Lancaster/Leominster interstate project on Route 190 was adjusted down due to removal of the storm water component. More information on this is coming later.

She added the MPO member slot is up for reelection. This Board needs to forward the name of the individual to serve to MRPC by mid-February. Ms. Bertram expressed interest in this appointment.

Motion: T. Alonzo

To nominate Ms. Bertram for the MPO appointment

2nd: P. Luck

Vote: All in Favor

There is a Complete Streets workshop and funding availability for this. The new Complete Streets Funding Program, authorized by the 2014 Transportation Bond Bill, offers Massachusetts municipalities incentives to adopt policies and practices that provide safe and accessible options for all travel modes – walking, biking, transit and vehicles – for people of all ages and abilities. In order to be eligible for funding, a municipal employee needs to attend one of the training workshops. The next one is January 27th from 9 a.m. to Noon at Devens. Ms. Bertram and Land Use Director Burney will be attending.

Ms. Luck reported the School Committee is meeting on Thursday the 21st at the Passios Building. The ZBA is hearing the petition of Mark Bartowski to open a used car dealership including warranty work and detailing at 1312 Massachusetts Avenue on the 27th. Ms. Lafleur and Ms. Luck met with MART officials to discuss how to improve MART services in response to the recent request by Jim Bellefore for increased service area. They are considering altering one loop already in existence to extend further. They will be surveying residents in the area for feedback. There is a MART Advisory meeting next week.

The Storm Water Task Force met recently and appointed a Chair, Ms. Luck and Vice Chair, Dave MacDonald. A clerk will be appointed soon for recording of minutes. A presentation was given at their first meeting by Fred Civian, Storm Water Coordinator for Mass DEP. Their next meeting is the 27th in the Ritter Building.

Mr. Toale reported the Building Reuse Committee has completed their recommendations and will present them to this Board on February 2nd. The Capital Planning Committee met this afternoon and will be presenting their recommendations to the Finance Committee on the 28th.

Mr. Toale announced this Board's next meeting is on February 2nd. There was no further public comment.

Motion: P. Bertram

To adjourn the meeting at 9:10 p.m.

2nd: P. Luck

Vote: All in Favor

Respectfully submitted,



Elaine M. Peterson

Executive Assistant to the Town Manager

RECEIVED & FILED

FEB 17 2016

**LUNENBURG TOWN
CLERK OFFICE**